

## **Exhibit N**

**To the Declaration of Benjamin Kleinman  
In Support of Kelora's Opposition to  
Defendants' Claim Construction Brief  
and Motion for Summary Judgment of  
Invalidity and Non-Infringement**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELORA SYSTEMS, LLC,

Plaintiff,

vs.

TARGET CORPORATION, et al.,

Defendants.

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Case No.

4:11-CV-01548-CW

(LB)

DEPOSITION OF NICHOLAS DAVID ARNETT

Monday, September 26, 2011

2:58 p.m.

1001 Page Mill Road, Building 2

Palo Alto, California 94304

REPORTED BY:

Jay W. Harbidge

CSR No. 4090

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1                   "I see the need for improvement of the  
2                   browser's ability to keep track of queries and  
3                   such based on interaction rather than the need  
4                   to change the server's capabilities in that  
5                   area."

6                   So what you were focusing on was the  
7                   browser's ability to keep track of queries?

8                   A.   Well, to a certain extent what I'm  
9                   describing here is a certain amount of laziness. I  
10                  don't know much about coding servers. I can do a  
11                  lot on a client. Servers are -- you know, I can  
12                  build a simple server but not a high performance  
13                  one.

14                  So one of the things I clearly recall  
15                  here is that I just didn't want to have to mess  
16                  around with storing sessions and parameters on the  
17                  server because I simply didn't really know how to do  
18                  it. So in this case, aside from sort of a  
19                  philosophical argument that I'm making in this email  
20                  for statelessness and keeping things on the client,  
21                  I just didn't even want to spend any time trying to  
22                  even figure out how to do this on the server.

23                  Q.   So the server just wasn't part of your  
24                  solution?

25                  A.   No. I was using someone else's server.

1 Q. Who or what.

2 A. This is a choice about the layout of the  
3 HTML on the page being retrieved.

4 Q. Well, is this being displayed by just  
5 going through the parts that we discussed before?  
6 Is it being displayed by the web server, the first  
7 web server that the robot is getting pages from?

8 MR. CHANDLER: Objection.

9 MR. LEVENTHAL: I'm just going to object  
10 to the whole line.

11 THE WITNESS: In a functional sense,  
12 yes. HTML describes the functional layout, the  
13 functional display.

14 BY MR. KATZ:

15 Q. And is it being displayed by the web or  
16 robot once it gets those pages?

17 MR. CHANDLER: Same objection.

18 THE WITNESS: No. The web robot doesn't  
19 use information about how the document is to be  
20 displayed.

21 BY MR. KATZ:

22 Q. Okay. And is it is being displayed by  
23 the database server that receives the information  
24 from the web robot?

25 MR. CHANDLER: Same objection.

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF SAN FRANCISCO )

4 I, Jay W. Harbidge, a Certified Shorthand  
5 Reporter, do hereby certify:

6 That prior to being examined, the witness  
7 in the foregoing proceedings was by me duly sworn to  
8 testify to the truth, the whole truth, and nothing  
9 but the truth;

10 That said proceedings were taken before  
11 me at the time and place therein set forth and were  
12 taken down by me in shorthand and thereafter  
13 transcribed into typewriting under my direction and  
14 supervision;

15 I further certify that I am neither  
16 counsel for, nor related to, any party to said  
17 proceedings, not in anywise interested in the  
18 outcome thereof.

19 In witness whereof, I have hereunto  
20 subscribed my name.

21 Dated: September 27, 2011



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25 Jay W. Harbidge, CSR NO. 4090